

made special order for tomorrow after call and from day to day.

On motion of Senator Rogers, Journal Clerk W. B. O'Quinn was excused for non-attendance on yesterday.

On motion of Senator Shelburne the Senate adjourned to 10 a. m. tomorrow.

THIRTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas, Feb. 20, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,	Lewis.
Bailey.	McComb.
Beall.	Presler.
Colquitt.	Rogers.
Crowley.	Shelburne.
Darwin.	Sherrill.
Dibrell.	Simpson.
Dickson.	Smith
Gage.	Stafford.
Goss.	Steele
Greer.	Tips.
Harrison.	Whitaker.
Lawhon.	Woods.

Absent, excused.

Atlee, Dean.
Boren, McKinney.

Absent, not excused.

Bowser.

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Agnew same was suspended.

On motion of Senator Woods, Senator McKinney was excused for today, on account of important business.

On motion of Senator Dickson, Senator Boren was excused indefinitely, on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Harrison:

Petition of 120 citizens of Bell county, requesting that her representatives vote against an increase of tax on insurance companies.

Read and referred to Committee on Insurance, Statistics and History.

By Senator Goss:

Petition of citizens of Foard, Swisher, Hartley, Armstrong, Donley, Hall, Jones, Hardeman, Briscoe, Knox and Scurry counties, asking a reduction of interest on school lands to 2 per cent, and that the actual settlers be given a preference right to lease three sections.

Read and referred to Committee on Public Lands.

By Senator Greer:

Petition from 440 citizens of Jefferson, Orange, Hardin and Tyler counties asking the passage of Senate bill No. 179.

Read and referred to Judiciary Committee No. 1.

By Senator Whitaker:

Memorial from citizens of Marion county protesting against putting said county in the community (school) system.

Read and referred to Committee on Education.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 19, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 106, being "An act to authorize the incorporation of companies for the purpose of constructing union depots, and to authorize railway companies to own stock and bonds of such depot companies, and to regulate the issuance of bonds by such union depot companies,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

House bill No. 283, being a bill to be entitled "An act to create a more efficient road system for Dallas and Medina counties, Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and defining the duties and powers of such county commissioners; and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the public roads of said counties; and providing for officers' fees; and to provide for the summoning of teams for roads and allowance of time of service for same on roads, and fixing a penalty for violation of this act, and to repeal all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STEELE, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred

Senate bill No. 185, being a bill to be entitled "An act granting to the State Orphans' Home, situated at Corsicana, Texas, fifty thousand acres out of the unappropriated public domain of the State of Texas, and to provide for carrying out the provisions of this act,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, February 20, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

House bill No. 362, "An act to authorize city and town councils in cities and towns having less than five thousand inhabitants, according to the last preceding census, to dispense with the office of marshal."

Substitute House bill No. 120, "An act to encourage irrigation and provide for the acquisition of the right to the use of water and for the construction and maintenance of canals, ditches, flumes, dams, reservoirs and wells for irrigation and for mining, milling and stockraising."

With the following engrossed riders:

Amend by inserting after the word "milling" wherever it occurs in the caption and in the bill the words "the construction of water works for cities and towns."

Amend by adding to section 14 the following: "Provided further, that the expense of making such change shall be paid by the person, firm or corporation owning such dam site, lake, reservoir or canal."

In section 12, in line 28, after the word "persons" insert the words "or any city or town," and after the word "reservoir," in line 29, insert the words "and sewers for water supply and drainage."

Passed by two-thirds vote—Ayes 92, nays 19.

Respectfully,
CHESTER HAILE, Chief Clerk.

BILLS AND RESOLUTIONS.

By Senator Dickson:

A bill to be entitled "An act to amend article 4542 of the Revised Civil Statutes, relative to restrictions upon railroad corporations."

Read first time and referred to Committee on State Affairs.

By Senator Crowley:

A bill to be entitled "An act to provide for the construction and maintenance of ditches, drains and water courses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas."

Read first time and referred to Committee on Irrigation.

By Senator Presler:

Joint resolution to amend article 8 of the Constitution of the State of Texas, by adding thereto section 20, providing for the formation of irrigation districts, and the levy and collection of a tax therein for the construction, purchase and maintenance of a system of irrigation works.

Read first time and referred to Committee on Constitutional Amendments.

Call concluded.

UNFINISHED BUSINESS.

The Chair laid before the Senate

Senate bill No. 11, being a bill to be entitled "An act to regulate assignments for the benefit of creditors, to declare what acts shall operate as such assignments and to prescribe rules for administering the same and to provide penalties for the violation of this act, and to repeal an act entitled 'An act in relation to assignments for the benefit of creditors, to regulate the same and proceedings thereunder,' approved March 24, 1879, and to repeal an act entitled 'An act to amend sections 3, 6 and 10 of an act in relation to assignments for the benefit of creditors, and to regulate the same and proceedings thereunder,' approved March 24, 1879, approved April 7, 1883; and to repeal all laws and parts of laws in conflict herewith."

Action being on Senator Bowser's amendment to that of Senator Agnew, they being to-wit:

By Senator Agnew:

Amend by striking out all after section 26, and insert in section 26 the following: "Whereas, it is deemed advisable that a longer time than ninety days be allowed for this law to go into effect, it is therefore enacted that this act shall not take effect and be in force until the first day of January, 1896."

By Senator Bowser:

Amend the amendment by striking out January, 1896, and insert March 1, 1897. Senator Bowser's amendment was lost. Senator Bailey moved to reconsider the vote by which the amendment was lost.

Lost.

Senator Agnew's amendment was then adopted.

By Senator Simpson:

Amend section 3, lines 1 and 2, by striking out "thirty-three and one-third" and inserting "sixty."

Lost.

By Senator Simpson:

Amend section 19, line 3, by striking out the word "may" and inserting "shall" in lieu thereof.

Lost.

By Senator Simpson:

Amend the bill by striking out all of section 20 of said bill.

Lost.

By Senator Lawhon:

Amend subdivision No. 3 of section 15 by striking out all after the word "employee" in line 12, down to and including the word "dollars."

By Senator Tips:

Substitute by striking out "fifty" and insert "one hundred" in lieu thereof.

Lost.

Senator Lawhon's amendment was then lost.

By Senator Simpson:
Amend by striking out section 2 of the bill.

Lost.

By Senator Presler:
Amend section 21 by adding after the word "property," in line 18, the following: "Any creditor shall have the right to collect a bona fide pre-existing debt by buying property from his debtor, notwithstanding the intent of the debtor and the effect of the sale may be to delay other creditors in the collection of their debts; provided, that the property so conveyed shall not be of greater value than is reasonably sufficient to satisfy such debt."

Adopted.

By Senator Simpson:
Amend section 4 by striking out "every assignee," in line 1, and inserting in lieu thereof the following: "The assignee under the provisions of this act shall be appointed by the district judge of the judicial district in which said assignee resides. He"

Lost by the following vote:

Yeas—11.

Bailey.	McComb.
Bowser.	Rogers.
Colquitt.	Simpson.
Crowley.	Stafford.
Dibrell.	Steele.
Lawhon.	

Nays—16.

Agnew.	Lewis.
Beall.	Presler.
Dickson.	Sherrill.
Gage.	Smith.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.

Paired.

Yea.	Nay.
Dean.	Darwin.
Shelburne.	McKinney.

Absent, excused.

Atlee. Boren.

(Senator Steele in the chair.)

By Senator Simpson:
Amend by striking out section 25 of the bill.

Lost by the following vote:

Yeas—11.

Bailey.	Shelburne.
Bowser.	Simpson.
Crowley.	Smith.
Dibrell.	Stafford.
McComb.	Steele.
Rogers.	

Nays—14.

Agnew.	Harrison.
Beall.	Lawhon.
Colquitt.	Lewis.
Darwin.	Presler.
Dickson.	Sherrill.
Gage.	Tips.
Goss.	Whitaker.
Greer.	Woods.

Absent, excused.
McKinney.
Dean.

Atlee.
Boren.

By Senator McComb:
Amend by striking out the enacting clause.
(Lieutenant Governor Jester in the chair.)

Pending action, Senator Wood moved to adjourn to 3 p. m.

Senator Simpson moved to adjourn to 10 a. m. tomorrow.

The Senate refused to adjourn to 10 a. m. tomorrow by the following vote:

Yeas—10.

Bailey.	Harrison.
Beall.	Presler.
Crowley.	Shelburne.
Dibrell.	Simpson.
Greer.	Smith.

Nays—16.

Agnew.	McComb.
Bowser.	Rogers.
Colquitt.	Sherrill.
Darwin.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Whitaker.
Lewis.	Woods.

Absent, excused.

Atlee. Dean.
Boren. McKinney

Absent, not excused.

Lawhon.

The Senate then adjourned to 3 p. m. by the following vote:

Yeas—20.

Agnew.	Lewis.
Bailey.	Presler.
Beall.	Rogers.
Bowser.	Sherrill.
Colquitt.	Smith.
Darwin.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Whitaker.
Greer.	Woods.

Nays—4.

Crowley.	Harrison.
Dibrell.	Shelburne.

Present, not voting.
McComb. Simpson.

Absent—excused.

Atlee. Dean.
Boren. McKinney.

Absent, not excused.

Lawhon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.
Lieutenant Governor Jester in the Chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Beall
Bailey.	Bowser.

Colquitt.	Lewis.
Crowley.	McComb.
Darwin.	Presler.
Dibrell.	Shelburne.
Dickson.	Smith.
Gage.	Stafford.
Goss.	Steele.
Greer.	Tips.
Harrison.	Woods.
Lawhon.	Whitaker.

Absent, excused.

Atlee.	Dean.
Boren.	McKinney.

Absent—not excused.

Rogers.	Simpson.
Sherrill.	

UNFINISHED BUSINESS.

The Chair laid before the Senate, Senate bill No. 11, being a bill to be entitled "An act to regulate assignments for the benefit of creditors, to declare what acts shall operate as such assignments, and to prescribe rules for administering the same, and to provide penalties for the violation of this act, and to repeal an act entitled 'An act in relation to assignments for the benefit of creditors, to regulate the same and proceedings thereunder,' approved March 24, 1879, and to repeal an act entitled 'An act to amend sections 3, 6 and 10 of an act in relation to assignments for the benefit of creditors, and to regulate the same and proceedings thereunder,' approved March 24, 1879, approved April 7, 1883, and to repeal all laws and parts of laws in conflict herewith."

Pending action being on Senator McComb's amendment to strike out the enacting clause.

Pending discussion, by unanimous consent Senator Crowley sent up the following resolution:

Whereas, The Hon. Thomas P. Ochiltree, a distinguished citizen of the State of New York, and an ex-member of Congress from the State of Texas, is at present visiting the capital; therefore be it

Resolved, That he be invited to a seat on the floor of the Senate within the bar thereof.

Adopted.

After lengthy discussion and pending further action,

Senator Simpson offered the following:

Whereas, The Hon. Thomas P. Ochiltree of New York has been granted the privileges of the floor of this Senate; and

Whereas, The honorable gentleman has acquired a world-wide reputation as a raconteur and prince of good fellows; and

Whereas, Many members would like to form his acquaintance; therefore be it

Resolved, That the Senate stand adjourned until tomorrow morning at 10 o'clock to give them the opportunity.

Adopted, and the Senate adjourned.

THIRTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas, Feb. 21, 1895.

Senate met pursuant to adjournment.
Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	McComb.
Bailey.	McKinney.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Shelburne.
Crowley.	Sherrill.
Darwin.	Simpson.
Dibrell.	Smith.
Dickson.	Stafford.
Gage.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.
Lawhon.	

Absent, excused.

Atlee.	Dean.
Boren.	

Absent, not excused.

Lewis.

Prayer by the Chaplain, Dr. Smoot.
Pending reading of the Journal of yesterday,

On motion of Senator Woods same was suspended.

On motion of Senator Presler, Committee Clerk J. J. Cox was excused for non-attendance for the last three days, on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Stafford:

Petition from business men of Smith county, protesting against the passage of what is known as the "venue bill."

Read and referred to Judiciary Committee No. 1.

By Senator Whitaker:

Petition of citizens of Marion county, begging not to be placed under the community system.

Read and referred to Committee on Education.

By Senator Gage:

Memorial from the commissioners court of Haskell county, asking for passage of an adequate law to enforce payment of taxes.

Read and referred to Committee on Finance.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 21, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 126, being a bill to be entitled "An act to amend chapter 4, title 93, of the Revised Civil Statutes of Texas, providing a mode by which certain animals may be prevented from running at large in any county or subdivision, by